<div align="center">REMARKS</div>

Claims 1-5, 9-15, 17-26, 28-32, 34 and 36-39 are currently pending in the subject application and are presently under consideration. Claims 1, 13, 14, 19, 25, 30, 31 and 34 have been amended as shown on pp. 6-11 of the Reply. In addition, the specification has been amended as indicated on pp. 2-5. Additionally, Figures 5 and 7 have been amended. In Figure 5, the second data (DATA2) is now correctly labeled 510 (as set forth in paragraph 52 on the bottom of page 13) instead of 810. In Figure 7, reference numeral 704 has been added as described in paragraph 59 on the bottom of page 15.

Applicant's representative thanks Examiner Cervetti for the courtesies extended during the telephonic interview conducted on July 16, 2007. The Examiner was contacted to discuss the amendments to overcome rejection under 35 U.S.C. §102 and interpretation of the cited prior art reference Chen (US 6,158,011) with respect to the limitations of independent claims 1, 14, 25, 30 and 34 and proposed amendment to those claims. The Examiner also indicated that it appears the cited reference may not anticipate the limitations in some of the amended claims.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

Claims 13, 19 and 33 were objected to. Claims 13 and 19 have been amended. Claim 33 has been canceled. It is requested that the objection be withdrawn.

I.   Rejection of Claim 31 Under 35 U.S.C. §112

Claim 31 stands rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 31 has been amended and is submitted to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Therefore, the rejection should be withdrawn.

II.   Rejection of Claims 1-21, 23-25, 27-30, and 33-39 Under 35 U.S.C. §102(b)

Claims 1-21, 23-25, 27-30, and 33-39 stand rejected under 35 U.S.C. §102(b) as being anticipated by Chen et al. (US Patent 6,158,011 hereinafter Chen). It is submitted

that this rejection be withdrawn for at least the following reason. Chen does not describe each and every element of the subject claims.

> For a prior art reference to anticipate, 35 U.S.C. §102 requires that "*each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (*quoting Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)) (emphasis added).

The subject claims generally relate to an architecture that facilitates data sharing between at least two computers disposed behind separate firewalls. A sharor of the data subscribes to a public service that enables a secure connection (similar to a peer-to-peer network) between at least one requestor and the data sharor. (*See* Specification, paragraph 7). To this end, claim 1 recites: *an authorization component that verifies if the request is associated with a key that permits access to the data, **a permissions component that determines one or more levels of access permitted to entities outside the firewall including a complete access level and a plurality of limited access levels, and a classifier that automatically performs load balancing of the data sharing process, learning a level of access of the requestor, determining levels of priority for scheduling the sharing of the data, and analyzing content of the data to determine permission levels***. Chen fails to teach or suggest such claimed aspects.

Chen describes that in addition to the applications 27 which communicate with the server via the authentication/encryption software 20, a typical system will have a number of additional software applications 36 and 37 capable of carrying out communications over the open network, but which the authentication client software is not configured to handle, and which are not specifically adapted or intended to carry out communications with the authentication server. These are referred to herein as peer-to-peer applications, and can include applications which use the same sockets as the authentication client software, applications which directly call upon a transport driver interface stack, whether using the same protocol as the authentication client software or another protocol, all of which are intended to be represented by the TDI layer, and

applications which are written to call directly upon the hardware drivers. These peer-to-peer applications may have their own encryption and authentication capabilities, but cannot utilize the services of the authentication server or client software, and therefore the function calls made by the applications and the files transmitted are indicated by separate reference numerals 40-43. (*See* Column 9, lines 15-35). However, Chen is silent with regard to *an authorization component that verifies if the request is associated with a key that permits access to the data, a permissions component that determines one or more levels of access permitted to entities outside the firewall including a complete access level and a plurality of limited access levels, and a classifier component that automatically performs load balancing of the data sharing process, learning a level of access of the requestor, determining levels of priority for scheduling the sharing of the data, and analyzing content of the data to determine permission levels*. Chen is silent with regard to such aspect as claimed.

Claim 14 recites: *a communications component that establishes a secure tunnel from the data to the requestor of the data, and a classifier that automatically performs load balancing of the data sharing process, learning a level of access of the requestor, determining levels of priority for scheduling the sharing of the data, and analyzing content of the data to determine permission levels*. Chen is silent with regard to such aspect as claimed.

Claim 25 recites: *establishing a secure tunnel between a sharor of the data and the requestor, and transmitting rules data with the shared data such that the shared data can be manipulated only in conformity with the rules data*. Chen is silent with regard to such aspect as claimed.

Claim 30 recites: *means for establishing a secure tunnel between a sharor of the data and the requestor; and means for automatically estimating a level of security of an environment of the sharor in which the data is stored*. Chen is silent with regard to such aspect as claimed.

Claim 34 recites: *determining one or more levels of access for the requestor; and establishing a secure tunnel between a sharor of the data and the requestor, wherein the requestor must store the data with at least the same level of security in*

which the data is stored at the sharor. Chen is silent with regard to such aspect as claimed.

In view of at least the foregoing, it is readily apparent that Chen does not teach or suggest the subject features as recited in independent claims 1, 14, 25, 30 and 34 (and associated dependent claims). This rejection should be withdrawn.

III.   Rejection of Claims 22, 26, and 32 Under 35 U.S.C. §103(a)

Claims 22, 26, and 32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Chen. This rejection should be withdrawn for at least the following reasons. Chen does not teach or suggest each and every element as set forth in the subject claims.

> To reject claims in an application under §103, an examiner must show an unrebutted *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria.   First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, *the prior art reference (or references when combined) must teach or suggest all the claim limitations.   See* MPEP §706.02(j).   The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicants' disclosure. *See In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The subject claims generally relate to an architecture that facilitates data sharing between at least two computers disposed behind separate firewalls.

Claim 14 recites: *a communications component that establishes a secure tunnel from the data to the requestor of the data, and **a classifier that automatically performs at least one of load balancing of the data sharing process, learning a level of access of the requestor, determining levels of priority for scheduling the sharing of the data, and analyzing content of the data to determine permission levels*. Chen is silent with regard to such aspect as claimed.

Claim 25 recites: *establishing a secure tunnel between a sharor of the data and the requestor, and* **transmitting rules data with the shared data such that the shared data can be manipulated only in conformity with the rules data**. Chen is silent with regard to such aspect as claimed.

Claim 30 recites: *means for establishing a secure tunnel between a sharor of the data and the requestor; and* **means for automatically estimating a level of security of an environment of the sharor in which the data is stored**. Chen is silent with regard to such aspect as claimed.

In view of at least the foregoing, it is readily apparent that Chen does not teach or suggest the subject features as recited in independent claims 14, 25 and 30 (and associated dependent claims 22, 26 and 32). This rejection should be withdrawn.

<div align="center">CONCLUSION</div>

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

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